S.B. CIVIL MISC. APPEAL NO.1150/2006
(Smt.Noorjaha Bivi & ors. Vs. Parbat alias Praven Bhai & others)

Date of Order :: 07.09.2006

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr.Ravi Bhansali for the appellants

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Having heard learned counsel for the appellants and having perused the impugned award dated 01.04.2005, this Court is of opinion that the award of compensation in the sum of Rs.8,61,800/- in relation to Claim Case No.836/2004 submitted by the claimant-appellants cannot be said to be too low or grossly inadequate.

For accidental death of Nijamuddin Sheikh, 35 years in age, husband of appellant No.1 and father of appellant Nos.2 and 3, for the purpose of quantification of compensation, the Tribunal has referred to the salary certificate Ex.22 showing the salary of the deceased at Rs.7,735/- while serving in the Bank of Baroda; but after taking note of basic pay at Rs.4,660/- and D.A. at Rs.1,501/- has taken his monthly income at Rs.6,161/-; has provided for a small component towards future prospects and has taken average earning at

Rs.6,600/- per month and dependency at Rs.4,400/- per month. Having regard to the circumstances of the case, the Tribunal has applied multiplier of 16 to a multiplicand of Rs.52,800/- (4,400 x 12) and assessed pecuniary loss at Rs.8,44,800/-. The Tribunal has further allowed Rs.15,000/- towards non-pecuniary loss to the claimants and Rs.2,000/- towards funeral expenses and thereby made the award in the sum of Rs.8,61,800/-. The Tribunal has allowed interest at the rate of 6% per annum from the date of filing of claim application i.e. 07.11.2000 with further stipulation of interest at the rate of 9% per annum if the payment be not made within three months.

The award in its totality cannot be said to be falling too short of an amount of just compensation admissible in this case and there appears no ground for such upward revision at the instance of the claimants as to warrant interference in appeal.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

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